

REMARKS

The Restriction Requirement

The pending claims, claims 1-34, are subject to a restriction requirement in which the claims were assigned to 36 different groups, i.e., more groups than there are claims. It is submitted that this Requirement is in error and should be modified, as follows.

Request for Reconsideration

Applicants respectfully traverse the Requirement as to Groups VI-XII as being inconsistent with the partial waiver of 37 CFR 1.141 for nucleotide sequences. See *Examination of Patent Applications Containing Nucleotide Sequences*, 1192 O.G. 68 (November 19, 1996). Under the waiver, Applicants' may submit up to ten independent and distinct nucleotide sequences in a single application. As amended, groups VI-XII of the present application involve claims 7-18 and describe eight independent and distinct DNA sequences (UTR-1, [SEQ ID NO: 2]; UTR-2 [SEQ ID NO: 14]; a nucleotide sequence encoding a 242-248 kDa polypeptide [SEQ ID NO: 3]; a nucleotide sequence encoding a proteinase [SEQ ID NO: 4]; a nucleotide sequence encoding a methyltransferase [SEQ ID NO: 6]; a nucleotide sequence encoding a helicase [SEQ ID NO: 8]; ORF1b [SEQ ID NO: 10]; ORF11 [SEQ ID NO: 12]). Therefore, Applicants submit that they are in compliance with the partial waiver and request that the restriction

requirement be modified to combine groups VI-XII into one new group I, which Applicants intend to elect.

Groups XIII-XIX involve claims 7, 19, and 21 and are drawn to an expression system in which the nucleic acids of the GLRaV-3 genome are inserted in antisense orientation into an expression vector. The nucleic acids described in claims 7, 19, and 21 are the same as those described above and, therefore, also fall within the partial waiver of 37 CFR 1.141 because there are no more than 10 nucleotide sequences. Therefore, Applicants request that the restriction requirement be modified to combine groups XIII-XIX into one new group III.

Applicants further submit that Groups I-V, drawn to polypeptides encoded by the GLRaV-3 genome are related and, therefore, should be examined together. These polypeptides are all encoded by the same, larger, nucleotide sequence and are classified in only two classes. Further, proteinase, methyltransferase, and helicase are encoded by the same reading frame of GLRaV-3 and are classified in the same class and subclass. Applicants submit that, because these polypeptides are classified in two classes, examining them together would not impose an undue burden on the Examiner. See MPEP § 803. Applicants request that the restriction be modified to combine groups I-V into a new group III.

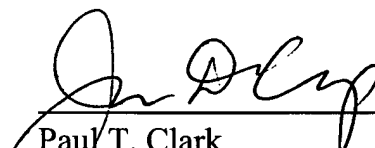
Similarly, Applicants submit that groups XX-XXIV and groups XXV-XXXVI drawn to antibodies against the polypeptides encoded by the GLRaV-3 genome and to

methods of detection using the antibodies and the nucleic acids of the GLRaV-3 genome, respectively, are related and, therefore, should be examined together. The antibodies are raised against the same group of proteins, encoded by the same, larger, nucleotide sequence, and are classified in only two classes. The methods of detection are classified in one class and five subclasses. Applicants submit that examining these claims together would not impose an undue burden on the Examiner. See MPEP § 803. Applicants request that the restriction be modified to combine groups XX-XXIV into a new group IV and to combine groups XXV-XXXVI into a new group V.

Applicant notes that an IDS and form 1449 were filed October 5, 1999 and request that the initialled form 1449 be returned. If there are any charges, or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: November 15, 2000



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